

Serial No.:	10/709,699	Art Unit:	2818
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### REMARKS

The method claims have been canceled. Device claims have been amended and new device claims have been added. The pending claims are now believed to be in condition for allowance. In addition, the specification has been amended to correct grammatical errors and to make minor technical corrections, to rewrite redundant material, and to eliminate subject matter related exclusively to method claims.

The Office Action stated as follows:

#### *“Election/Restrictions”*

“Claims 1-20 are pending in this application.”

“1. Restriction to one of the following inventions is required under 35 U.S.C. 121:

“Group I. Claims 17-20, drawn to a semiconductor device, classified in class 257, subclass 301.”

“Group II. Claims 1-16, drawn to process of making a semiconductor device, classified in class 438, and subclass 243.”

“2. The inventions are distinct, each from the other because of the following reasons:

Inventions II and I are related as process of making and product made. The inventions are distinct if either or both of following can be shown: (1) that the process as claimed can be use to make other and materially different product or by hand, or (2) that the process as claimed can be made by another and materially different process. (MPEP § 806.05(f)). In the instance [sic] case unpatentabilities of the group I invention would not necessarily imply unpatentability of the group II invention, since the device of the group I invention could be made by the processes materially different from those of the group II invention, for example, the wide trench of group I invention can be filled with one step (filling the wide trench with a second electrode) without using two steps of filling the wide trench with a first electrode, removing the first electrode from the wide trench, and filling the wide trench with a second electrode as cited in group II invention.”

“3. Because these inventions are distinct for the reasons given above and have acquired a separate status in the art as shown by their different classification, the fields of search are not co-extensive. Therefore, separate examination would be required and restriction for examination purposes as indicated is proper.”

“4. Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a diligently filed petition under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(h).”

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**The Group I claims are elected. New group I claims have been added. The group II claims have been canceled without prejudice to pursuit thereof in a divisional application.**

**No fee is believed to be due for the submission of this amendment. If any fees are required, however, please charge such fees to Deposit Account No. 09-0458.**

**In view of the amendments and the above remarks favorable action including allowance of the claims and the application as a whole are respectfully solicited.**

**Respectfully submitted,**



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